

### REMARKS

The claims remaining in the present application are Claims 1-31. Claims 1, 8, 12, 20 and 24 have been amended. Claims 27-31 have been added. The specification has been amended. No new matter has been added as a result of these amendments.

### SPECIFICATION

The specification has been amended to provide a reference to related applications. No new matter has been added as a result.

### CLAIM REJECTIONS

#### 35 U.S.C. §102

Claims 1-7, 9-10, 20, and 24 are rejected under 35 U.S.C. §102(e) as being anticipated by Nakashima et al. U.S. Patent No. 6,470,385 (hereinafter, Nakashima). The rejection is respectfully traversed for the following reasons.

Currently Amended Independent Claim 1 recites, in part:

c) analyzing the responses to said status queries according to a sets of rules to create network audit information, wherein said analyzing comprises determining a ranking of nodes of the plurality of devices; and

d) reporting said network audit information including said ranking of nodes.

Claim 1 recites the limitations, "reporting said network audit information including said ranking of nodes of the plurality of devices." Applicant

respectfully asserts that Nakashima fails to teach or suggest these limitations.

Nakashima is concerned with alleviating workload but is silent as to ranking nodes. Thus, currently amended Claim 1 is respectfully believed to be patentable over Nakashima.

35 U.S.C. §103

Nakashima in view of Topff

Claims 8, 11, 21, and 25 are rejected under 35 U.S.C. §103 as being unpatentable over Nakashima in view of Topff et al. U.S. Patent No. 6,026,500 (hereinafter, Topff). The rejection is respectfully traversed for the following reasons.

Claim 8 recites, in part:

ranking said plurality of nodes by severity of defects.

For reasons discussed in the response to Claim 1, Nakashima fails to teach or suggest the claim limitations of reporting said network audit information including said ranking of nodes of the plurality of devices.

Applicant respectfully asserts that Topff fails to remedy this deficiency in that Topff fails to teach or suggest ranking of nodes of the plurality of

devices. The rejection asserts that Topff teaches ranking said plurality of nodes [by severity of defects] at col. 1, lines 20-30. Applicants respectfully that Topff does not teach ranking of nodes in this passage. Rather, Topff teaches that events may be monitored. Events may describe a reason for non-conformance, severity, class, or time that the problem was detected. However, none of these are the claimed ranking of nodes, as claimed.

For the foregoing reasons, Claim 8 is respectfully believed to be patentable over the combination of Nakashima and Topff. Claims 21 and 25 comprise similar limitations and are thus believed to be allowable. Claim 11 is respectfully believed to be allowable as it comprises a similar limitation based on its dependency from Claim 1.

#### Nakashima in view of Bavant

Claims 12, 14-15, 17-19 and 26 are rejected under 35 U.S.C. §103 as being unpatentable over Nakashima in view of Bavant et al. U.S. Patent No. 6,529,473 (hereinafter, Bavant). The rejection is respectfully traversed for the following reasons.

Currently Amended Independent Claim 12 recites, in part:

c) analyzing the responses to said status queries according to rules tailored for said node type to create network audit information, wherein said analyzing comprises determining a ranking of said nodes based on said rules; and

d) reporting said network audit information including said ranking of nodes.

For reasons discussed in the response to Claim 1, Nakashima fails to teach or suggest the claim limitations of reporting said network audit information including said ranking of nodes. Applicant respectfully asserts that Bavant fails to remedy this deficiency in that Bavant fails to teach or suggest ranking of nodes.

For the foregoing reasons, Claim 12 is respectfully believed to be patentable over the combination of Nakashima and Bavant. Claims 14-15 and 17-19 are respectfully believed to be allowable by virtue of their dependence from Claim 12. Claim 26 is respectfully believed to be allowable as it comprises a limitation of “ranking of nodes of the plurality of optical devices” based on its dependency from Claim 24.

Nakashima in view of Bavant and Topff

Claims 13 is rejected under 35 U.S.C. §103 as being unpatentable over Nakashima in view of Bavant in further view of Topff. The rejection is respectfully traversed for the following reasons.

For reasons discussed in the response to Claim 8, Nakashima in view of Topff fails to teach or suggest the claim limitations of reporting said network audit information including said ranking of nodes. Applicant respectfully asserts that Bavant fails to remedy this deficiency in that

Bavant fails to teach or suggest ranking of nodes. Claim 13 incorporates the limitation of reporting said network audit information including said ranking of nodes by virtue of its dependency from Claim 12.

For the foregoing reasons, Claim 13 is respectfully believed to be patentable over Nakashima in view of Bavant in further view of Topff.

Nakashima in view of Bavant and Ouelett

Claim 16 is rejected under 35 U.S.C. § 103 as being unpatentable over Nakashima in view of Bavant in further view of Ouelett US Patent No. 6,584,535 (hereinafter, Ouelett). The rejection is respectfully traversed for the following reasons.

For reasons discussed in the response to Claim 12, Nakashima in view of Bavant fails to teach or suggest the claim limitations of reporting said network audit information including said ranking of nodes. Applicant respectfully asserts that Ouelett fails to remedy this deficiency in that Ouelett fails to teach or suggest ranking of nodes. Claim 16 incorporates the limitation of reporting said network audit information including said ranking of nodes by virtue of its dependency from Claim 12.

For the foregoing reasons, Claim 16 is respectfully believed to be patentable over Nakashima in view of Bavant in further view of Ouelett.

Nakashima in view of Schlosser

Claims 16 is rejected under 35 U.S.C. §103 as being unpatentable over Nakashima in view of Schlosser US Patent No. 5,968,122 (hereinafter, Schlosser). The rejection is respectfully traversed for the following reasons.

For reasons discussed in the response to Claim 1, Nakashima fails to teach or suggest the claim limitations of reporting said network audit information including said ranking of nodes. Applicant respectfully asserts that Schlosser fails to remedy this deficiency in that Schlosser fails to teach or suggest ranking of nodes. Claim 22 incorporates the limitation of reporting said network audit information including said ranking of said active nodes in the plurality of categories by virtue of its dependency from Claim 20.

For the foregoing reasons, Claim 22 is respectfully believed to be patentable over Nakashima in view of Schlosser.

Nakashima in view of Official Notice

Claims 23 is rejected under 35 U.S.C. §103 as being unpatentable over Nakashima in view of Official Notice. The rejection is respectfully traversed for the following reasons.

For reasons discussed in the response to Claim 1, Nakashima fails to teach or suggest the claim limitations of reporting said network audit information including said ranking of nodes. Applicant respectfully asserts that Official Notice of reporting network data over time fails to remedy this deficiency. Claim 23 incorporates the limitation of reporting said network audit information including said ranking of said active nodes in the plurality of categories by virtue of its dependency from Claim 20.

For the foregoing reasons, Claim 23 is respectfully believed to be patentable over Nakashima in view of Official Notice.

#### NEW CLAIMS

Claims 27-31 have been added. Support for Claims 27-31 may be found in the specification at least at page 11, line 19 - page 14, line 2. Claims 27-31 are believed to be allowable over the prior art based on their dependency from Claim 1.

### CONCLUSION

In light of the above-listed amendments and remarks, the Applicant respectfully requests allowance of the present Application. Based on the amendments presented above, it is respectfully submitted that Claims 1-31 overcome the objections and rejections of record. Therefore, allowance of Claims 1-31 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

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Respectfully submitted,

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